

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 6, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5269497 to Barth in view of US Patent 3248745 to Gunlock and US Patent 6158815 to Sugie et al.

Re: claims 1, 2, 6, and 8. Barth shows in figures 1 and 2 a seat spring assembly comprising: a frame 10,12 having a first and a second frame end with first and second sides connected to first and second transverse frame ends as shown; a plurality of flat leaf springs 18 having leaf spring first ends connected to the first frame end and leaf spring second ends connected to the second frame end; each leaf spring having one V arch adjacent the leaf spring first end and one shaped arch adjacent the leaf spring second end; each leaf spring has a substantially flat center portion 32 extending longitudinally and aligned horizontally to define a seating support surface.

Barth is silent with regards to the shaped arch adjacent the second end of the leaf spring being a W arch.

Gunlock teaches in col. 2 lines 22-25 a seat spring assembly wherein each spring has a V arch adjacent a first end of the spring and a W arch adjacent a second end of the spring.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the shape of the arch at the opposite end of the leaf spring of Barth to have been a W, as taught by Gunlock, in order to provide a means of achieving a desired vertical deflection of the spring depending on the particular application.

Barth, as modified, is silent with regards to a cross piece and a plurality of coil springs as recited.

Sugie et al. teach in figure 8 the use of a seat spring assembly including a cross piece 24, the cross piece spanning and substantially perpendicularly interconnecting second ends of leaf springs 22, the leaf spring second ends being attached to the cross piece, and a plurality of coil springs, the coil springs connecting the cross piece to a frame end 20 to transmit loads from the interconnected leaf springs through the coil springs to the second frame end.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the spring assembly of Barth, as modified, to have included a cross piece as recited and a plurality of coil springs as recited, as taught by Sugie et al., in order to provide added resilience and support to accommodate the seat spring assembly user.

Re: claims 4 and 9. In *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966) the court held that the configuration of a claimed object was a matter of choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular configuration is significant.

Art Unit: 3657

3. Claims 3, 7, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5269497 to Barth in view of Gunlock and Sugie et al. as applied to claim 1 and further in view of US Patent 3173672 to Isaacs.

Barth, as modified, is silent with regards to the helper spring.

Isaacs teaches in figure 2 the use of a helper spring 22.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the configuration of the leaf springs of Barth, as modified, to have included a helper spring, as taught by Isaacs, in order to provide a means of reinforcing the support for the seat.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5269497 to Barth in view of Gunlock and Sugie et al. as applied to claim 1, and further in view of US Patent 1948130 to Reed.

Barth, as modified, is silent with regards to the dropped position.

Reed teaches the use of a dropped position in a seat.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the seat assembly of Barth, as modified, to have included a dropped position, as taught by Reed, in order to provide a means of satisfying particular real estate requirements depending on application.

Response to Arguments

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3657

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mmb

October 29, 2009

/Melody M. Burch/

Primary Examiner, Art Unit 3657